

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

OWEN BELL,

Plaintiff,

v.

**FRED C. STATUM, III and MANIER &
HEROD,**

Defendants.

NO. 3:17-cv-00960

CHIEF JUDGE CRENSHAW

ORDER

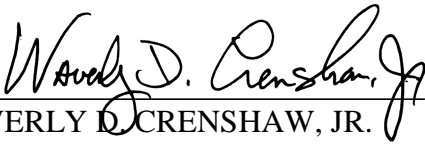
Before the Court is a Report and Recommendation (Doc. No. 13) in which the Magistrate Judge recommends that the Court grant the Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction. No timely objection has been filed. Regardless, the Court has conducted a de novo review of this matter. Based upon that examination, the Court agrees with the conclusion of the Magistrate Judge. First, even liberally construing the confusing Complaint in a light most generous to Plaintiff, there is simply nothing in the Complaint to suggest that Plaintiff's claims arise under the Constitution, treaties, or laws of the United States or that Plaintiff's right to relief necessarily depends on resolution of a substantial question of federal law. Second, it is clear that there is no diversity of citizenship among the parties in this action; beyond the addresses of record, Plaintiff's response in opposition to the motion states the residence of all involved as being in Tennessee. Accordingly, there is no basis upon which this federal court can exercise subject matter jurisdiction and this case must be dismissed.

The Report and Recommendation is, therefore, **APPROVED AND ADOPTED**. The Motion to Dismiss for Lack of Subject Matter Jurisdiction (Doc. No. 7) is **GRANTED** and

Plaintiff's Motion to Quash the Motion to Dismiss (Doc. No. 11) is **DENIED**. The Motion to Set Case Management Conference (Doc. No. 9) is **DENIED AS MOOT**. This case is **DISMISSED**.

This is a final order and the Clerk shall close the case.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE